Fourth Court of Appeals
San Antonio, Texas

April 6, 2016

No. 04-15-00708-CR

Max **CASTILLO,**
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court No. 2015CR5751
Honorable Steve Hilbig, Judge Presiding

C O R R E C T E D O R D E R

Appellant Max Castillo's court-appointed attorney has filed a brief and motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), in which he asserts there are no meritorious issues to raise on appeal. Counsel sent copies of the brief and motion to withdraw to Castillo and explained his rights to review the record, file a pro se brief, and file a pro se petition for discretionary review if this court determines the appeal is frivolous. *See Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014).

Castillo is advised he has the right to review the appellate record to assist him in preparing a pro se brief in response to the *Anders* brief filed by court-appointed counsel. If appellant desires to exercise this right, he must file a written request for access to the record with this court by **April 18, 2016**. The request must reference this appeal and be mailed to:

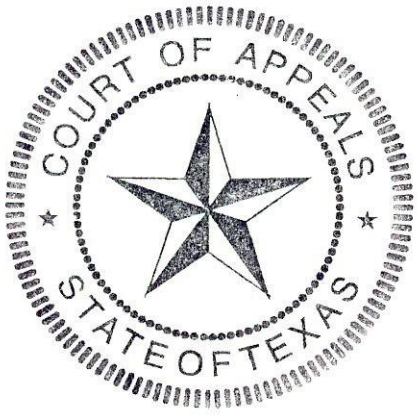
Fourth Court of Appeals
300 Dolorosa, Suite 3200
San Antonio, Texas 78205

If Castillo desires to file a pro se brief, we order he do so by **May 18, 2016**. If Castillo timely requests access to the appellate record, the deadline to file appellant's pro se brief will be reset.

We further **order** the motion to withdraw filed by appellant's counsel is held in abeyance pending further order of the court. *See Penson v. Ohio*, 488 U.S. 75, 80-82 (1988) (holding that a motion to withdraw should not be ruled on before appellate court independently reviews the record to determine whether counsel's evaluation that the appeal is frivolous is sound); *Schulman v. State*, 252 S.W.3d 403, 410-11 (Tex. Crim. App. 2008) (same); *see also Kelly*, 436 S.W.3d at 319 (appointed counsel's duties of representation do not cease when he files a motion to withdraw; counsel must continue to "act with competence, commitment and dedication to the interest of the client" until the court of appeals grants the motion). Accordingly, no new attorney will be appointed for appellant at this time.

Luz Elena D. Chapa, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 8th day of April, 2016.



Keith E. Hottle
Clerk of Court